



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक १९]

बुधवार, मार्च ३०, २०१६/चैत्र १०, शके १९३८

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असाधारण क्रमांक २५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Bill, 2016 (L. A. Bill No. XIII of 2016), introduced in the Maharashtra Legislative Assembly on the 30th March 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

P. H. MALI,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XIII OF 2016.

A BILL

further to amend the Maharashtra Village Panchayats Act.

III of 1959. WHEREAS, it is expedient further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Village Panchayats Short title. (Amendment) Act, 2016.

Amendment
of section
10-1A of III of
1959.

2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as "the principal Act"), for the existing provisos, the following provisos shall be substituted, namely :—

III of
1959.

"Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment
of section
30-1A of III of
1959.

3. In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :-

"Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 28th February 2018, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking, that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*."

STATEMENT OF OBJECTS AND REASONS.

Section 10-1A of the Maharashtra Village Panchayats Act (III of 1959) provides that, every person desirous of contesting election to a seat reserved for persons belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of Citizens, shall submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committees which are already overburdened, will have to undertake on priority, the work of scrutiny of the applications for the students which is continuous process. This has resulted in difficulties to candidates contesting the Panchayat elections in obtaining the Caste Validity Certificate from the Caste Scrutiny Committees.

3. In order not to deprive the prospective candidates of the opportunity to contest the election for Maharashtra Village Panchayat for the reserved posts merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the Committees are otherwise overburdened with the verification work, the Government consider it expedient to amend the Maharashtra Village Panchayats Act, with a view to allow the persons desirous of contesting election for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate within six months from the date in which they are declared elected. Similarly, the Government considers it expedient to amend sections 10-1A and 30-1A of the said Act to allow the member of *Gram Panchayat* and *Sarpanch* elected against the reserved post, to submit the Validity Certificate within six months, from the date on which they are declared elected.

4. It is, therefore, considered expedient to amend the Maharashtra Village Panchayats Act (III of 1959), suitably.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 29th March 2016.

PANKAJA MUNDE,

Minister for Rural Development.